

**CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
THURSDAY, JANUARY 3, 2013
REGULAR MEETING – 6:30 p.m.**

MICHAEL TOERGE
Chair

BRADLEY HILLGREN
Vice Chair

FRED AMERI
Secretary

**TIM BROWN
KORY KRAMER
JAY MYERS
LARRY TUCKER**

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney TONY BRINE, City Traffic Engineer

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

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I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. REQUEST FOR CONTINUANCES

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF DECEMBER 20, 2012

Recommended Action: Approve and file

VII. PUBLIC HEARING ITEMS

Speakers must limit comments to three (3) minutes on all items. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

**ITEM NO. 2 Corporate Plaza PC Amendment (PA2012-145)
Site Location: 2 and 3 Corporate Plaza**

Summary:

An amendment to the Corporate Plaza Planned Community Development Plan and District Regulations to increase the permitted maximum square footage for medical/dental use at 3 Corporate Plaza by 200 square feet to a total of 3,300 square feet; and simultaneously decrease the maximum square footage of medical/dental use at 2 Corporate Plaza by 200 square feet to a total of 1,900 square feet.

CEQA Compliance:

This action is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects that have the potential for causing a significant effect on the environment (Section 15061.b.3 of the CEQA Guidelines). Therefore, this activity is not subject to CEQA.

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ approving Planned Community Development Plan Amendment No. PD2012-003.

ITEM NO. 3 Wardy Residence (PA2012-140)
Site Location: 1111 Dolphin Terrace

Summary:

A request for approval of a Site Development Review to allow an increase in the boundaries of Development Area B for the purpose of the construction of a pool and retaining walls in Development Area C. The application also includes a request for a Modification Permit to allow a retaining wall over 8 feet in height from finished grade. These improvements are proposed in conjunction with the construction of a new single family residence.

CEQA Compliance:

The project is categorically exempt under Section 1530.3, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures).

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ approving Site Development Review No. SD2012-005 and Modification Permit No. MD2012-017.

ITEM NO. 4 Plaza Corona del Mar (PA2010-061)
Site Location: 3900 and 3928 East Coast Highway

Summary:

The applicant requests approval of a horizontal mixed-use development with six detached dwelling units above a common subterranean parking structure, a 2,160-square-foot office addition above an existing 535-square-foot delicatessen (Gallo's Deli), and a 10-space shared surface parking lot. The following approvals are requested or required in order to implement the project as proposed:

1. Site Development Review: to ensure compatibility with the site and surrounding land uses;
2. Conditional Use Permit: to allow parking for nonresidential uses in an off-site residential zoning district and to reduce the off-street parking to require two guest spaces for the six residential units where the Zoning Code requires three spaces;
3. Modification Permit: to allow a retaining wall up to 17 feet 2 inches in height, where the Zoning Code limits the height to 8 feet;
4. Tentative Tract Map: for residential condominium purposes and to consolidate five lots and portions of a vacated alley into two lots; and
5. Variance: for the residential structures to establish a 15-foot front setback and corresponding buildable area where a 20-foot setback is currently required.

The project was continued from the December 6, 2012, Planning Commission meeting to allow staff to re-notice the public hearing to include a potential waiver of one guest parking space for the residential component of the project and to include additional analysis related to the architectural design and construction of the project.

CEQA Compliance:

The project is categorically exempt under Section 15332, of the California Environmental Quality Act (CEQA) Guidelines - Class 32 (In-Fill Development).

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ approving Conditional Use Permit No. UP2012-011, Modification Permit No. MD2012-011, Site Development Review No. SD2012-001, Tentative Tract Map No. NT2012-001, and Variance No. VA2012-007.

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 6 MOTION FOR RECONSIDERATION

ITEM NO. 7 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

**ITEM NO. 8 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS
WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR
REPORT.**

ITEM NO. 9 REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT